

WAREHOUSE SHELL SALES, CO.

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November 29, 2004

Division of Dockets Management
Food & Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Docket nos. 1996P-0418, 1997P-0197, 1998P-0203 and 2000N-0504

Dear Sirs or Madam:

I am writing to comment on the Food and Drug Administration proposed rule on Salmonella Enteritidis in shell eggs. My company Warehouse Shell Sales, employs five (5) workers at its operation in Newport, MN 55055. We are keenly interested in the egg industry because we supply the only organic supply of calcium in poultry rations, necessary for strong bones and strong egg shells for laying hens. Strong shells are the first defense in preventing any organisms from entering the egg. We sell our product which is included in the feed or fed free choice in some 15 states and several Canadian provinces.

I know many egg producers and customers are confident that they want to deliver a safe, wholesome product to their customers. The Centers for Disease Control and Prevention has just published a study that documents how Salmonellosis rates have declined when producers have initiated many quality assurance programs. These producers are already regulated by many different federal and state agencies. Even when the direction of regulation is good, the task of complying can be heavy, especially on farms and other small businesses. I respectfully urge FDA to minimize the additional burden:

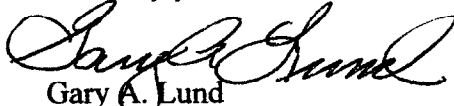
1. **Recognize and reward what states and the industry are already doing.** FDA should thoroughly review all existing state and private egg quality assurance programs to see if they already provide protection equivalent to what FDA is seeking. If so, then producers who are in compliance with one of these plans should be considered to be in compliance with FDA's regulations.
2. **Carry out inspections and enforcement through federal and state agencies that already regulate our industry.** The Agricultural Marketing Service already inspects egg packing facilities four times a year under the Shell Egg Surveillance Program, often in cooperation with state agencies. AMS and the states are knowledgeable of the egg industry, and using them will avoid diverting FDA employees away from homeland security, import inspections and other critical areas of present responsibilities.

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Producers will always comply with the law and regulations to the best of their ability. Our industry needs regulations that are flexible, reasonably applied, and scientifically based in order to survive as a business. I strongly urge you to make the changes that producers are asking, so that this regulation can be workable for our industry.

Cordially yours,



Gary A. Lund
President